IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18429 of 2007

Dated: October 9, 2007

Between:

M/s. Sri Kumara Swamy Aqua Products (P) Ltd.,
Having its Regd. Office at Momidi, Chillakur Mandal,
Nellore District & Admn. Office at 15/238, Society
Colony, Gudur, Nellore District, rep. by its
Managing Director Sri V. Sundara Rami Reddy, and others.

… Petitioners

And

Special Cadre Dy. Registrar of Cooperative
Societies / OSD, The A.P. State Cooperative
Bank Ltd., 3rd Floor, Troop Bazar, Hyderabad,
And others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to direct the first respondent not to proceed with enquiry in A.R.C.No.13/99/R1 without giving opportunity to the petitioner to adduce evidence and submit arguments.

2. Heard learned counsel for petitioners, learned Government Pleader for Cooperation for the first respondent and
Sri A.H. Ramakrishna Rao, Standing Counsel for the second respondent.

3. First petitioner, a private limited Co., availed certain loans from the second respondent-Bank and committed default in repaying the loans. To recover the amount due from petitioners, second respondent-Bank filed A.R.C.No.13/99/R 1 on the file of the first respondent, Special Cadre Deputy Registrar of Cooperative Societies. Petitioners' grievance is that though they want to examine certain witnesses, no proper opportunity is being given.

4. Second respondent-Bank filed counter affidavit stating that after closure of evidence on petitioners' side in the said A.R.C., one witness was examined and in spite of giving several opportunities to the petitioners, no other witnesses are being produced for examination. It is stated that the matter underwent several adjournments and is now posted for arguments.

5. If petitioners want to produce any number of witnesses relevant to the issue, they can do so. However, on the said ground, they cannot drag on proceedings indefinitely. In the counter affidavit filed by the second respondent, it is stated that several adjournments have been sought for the said purpose alone and no further witnesses are being produced.

6. In the circumstances, I dispose of the writ petition permitting petitioners to produce any further witnesses within a period of two weeks from today without seeking further adjournment. Petitioners may examine any number of witnesses on day-to-day basis within the

said period. After evidence is recorded, time of three days shall be granted to either party for the purpose of putting forth arguments. It is clarified that, if petitioners fail to produce any further witnesses within the time stipulated above, it is open for the first respondent to proceed further in accordance with law. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 9, 2007
MRR